

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DANTE BUCHANAN,)
vs. Plaintiff,) CIVIL NO. 13-cv-1179-MJR
VANDALIA CORRECTIONAL)
CENTER, et al)
Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge:

On December 5, 2013, Plaintiff was ordered to pay an initial partial filing fee of \$13.97 for this action no later than December 26, 2013 (Doc. 13). In addition, Plaintiff was ordered to pay the remaining \$350.00 filing fee or file a new motion to proceed *in forma pauperis* with regard to the remainder. Plaintiff was clearly warned in that Order that failure to comply would result in dismissal of this case. The date to pay the partial filing fee has passed, and Plaintiff has failed to do so. As a result, this action is **DISMISSED** without prejudice, for failure to comply with an Order of this Court. **FED. R. CIV. P. 41(b).** *See generally Ladien v. Astrachan, 128 F.3d 1051 (7th Cir. 1997); Johnson v. Kamminga, 34 F.3d 466 (7th Cir. 1994).* This dismissal shall **NOT** count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). All pending motions are **DENIED** as moot.

The Clerk's Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: January 14, 2014

s/ MICHAEL J. REAGAN
United States District Judge